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OFFICE OF PETITIONS

In re Application of :
Pafford, et al. :
Application No.: 10/781,058 : ON PETITION
Filed: February 18, 2004 :
Attorney Docket No.: 4002-3483 :

This a decision on the petition filed July 19, 2004 (certificate of mailing dated July 14, 2004). The petition will be treated under 37 CFR 1.182 in accordance with 37 CFR 1.53(e)(2).

The petition is **granted**.

The subject non-provisional application was filed on February 18, 2004. On May 14, 2004, the Initial Patent Examination Division mailed a Notice of Missing Parts of Nonprovisional Application accorded the application a filing date and indicating that the filing fee and surcharge for the late payment of the filing fee were required. The notice also indicated that Figure 59 as described in the specification appeared to have been omitted. The notice set an extendable period for reply of two months from its mailing date as to the requirement of the filing fee surcharge. As to the omitted figure, the notice allowed a non-extendable period for reply of two months from its mailing date. The instant petition was filed on July 19, 2004, and was accompanied by the filing fee and surcharge and a copy of Figure 59.

Petitioner argues that the application was complete on filing and entitled to a filing date of February 18, 2004, because application 10/781,1058 incorporated by reference application 10/114,675 and other prior related applications.

In view of the incorporation by reference statement found on the application transmittal sheet, the application will retain the filing date of February 18, 2004 with Figure 59 as part of the original disclosure. The examiner assigned to this application will be expected to compare the drawings filed with the instant petition with the drawings contained in application 10/114,675 and/or prior related application listed to be sure application 10/781,058 do not contain new matter.

The application will be forwarded to the Office of Initial Patent Examination for further processing with a filing date of February 18, 2004.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-0010.

Kenya A. McLaughlin
Petition Attorney
Office of Petitions